

and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein, and more than 12 percent of crude fiber.

On May 22, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21085. Adulteration and misbranding of butter. U. S. v. Armour & Co. (Armour Creamery Co.). Plea of guilty. Fine, \$10. (F. & D. no. 28200. Sample no. 6604-A.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On October 20, 1932, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Armour & Co., a corporation trading as the Armour Creamery Co., at Springfield, Mo., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 19, 1932, from the State of Missouri into the State of Tennessee, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: (Carton) "Spring Brook Brand Creamery Butter * * * Distributed by Armour Creameries, General Offices, Chicago."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement, "Creamery Butter" on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was not butter as defined by the act of March 4, 1923.

On April 3, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

21086. Misbranding of butter. U. S. v. 4 Boxes of Butter. Default decree of condemnation entered. (F. & D. no. 28396. Sample no. 13021-A.)

This case involved a shipment of butter, sample packages of which were found to contain less than 1 pound, the declared weight.

On May 31, 1932, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 4 boxes of butter at Washington, D. C., alleging that the article had been shipped by the Marty Creamery Co., from Monroe, Wis., on or about May 19, 1932, and had been transported from the State of Wisconsin into the District of Columbia, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Dutch Maid Butter One Lb. Net * * * Marty Creamery Co., Monroe, Wisc."

It was alleged in the libel that the article was misbranded in that it was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents on the outside of the package, since the statement made was not correct.

On March 8, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be disposed of by the United States marshal in such manner as would not violate the provisions of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

21087. Adulteration and misbranding of Swiss cheese. U. S. v. 1 Wheel of Swiss Cheese, et al. Default decree of condemnation and forfeiture. Product delivered to Government agency. (F. & D. no. 29841. Sample nos. 27883-A, 27884-A, 27895-A.)

This case involved the interstate shipment of a product represented to be Wisconsin Swiss cheese. The article was found to contain less than 45 percent of fat on a dry basis and was accordingly adulterated and misbranded, since

the Wisconsin State law requires a fat content of at least 45 percent on a dry basis for such cheese.

On February 14, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five wheels of cheese at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about December 1, 1932, by Carl Marty & Co., from Monroe, Wis., and charging adulteration and misbranding in violation of the Food and Drugs Act. One wheel was labeled in part: "Meadow Grove Swiss Cheese."

It was alleged in the libel that the article was adulterated in that a substance containing less than 45 percent of fat on a dry basis had been substituted for Swiss cheese, which the article purported to be.

Misbranding was alleged for the reason that the following statements on the labels were false and misleading and deceived and misled the purchaser, when applied to a product containing less than 45 percent of fat on a dry basis: (First lot, one wheel) "Swiss Cheese Wisconsin Dept. of Agriculture and Markets Wisconsin Fancy"; (second lot, three wheels) "Wisconsin Dept. of Agriculture and Markets Wisconsin Standard"; (third lot, one wheel) "Wisconsin Department of Agriculture and Markets Wisconsin Open Standard." Misbranding of the lot labeled, "Meadow Grove Swiss Cheese", was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On May 18, 1933, no claimant having appeared for the property, and the court having found that the deficiency in fat did not render the article unwholesome or unfit for food, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the United States Army engineer at San Francisco.

M. L. WILSON, *Acting Secretary of Agriculture.*

21088. Adulteration of butter. U. S. v. Boone Dairy, Inc. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 29494. I. S. nos. 37639, 42354.)

This action was based on interstate shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On May 8, 1933, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Boone Dairy, Inc., Boone, Iowa, alleging shipment by said company in violation of the Food and Drugs Act, on or about March 23, 1932, from the State of Iowa into the State of Maryland, of quantities of butter which was adulterated. A portion of the article was labeled: (Box) "From Boone Dairy, Inc., * * * Boone, Iowa."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

On June 10, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21089. Misbranding of canned pears. U. S. v. 199 Cases and 100 Cases of Canned Pears. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 30044, 30045. Sample no. 22979-A.)

These cases involved quantities of canned pears, which were falsely branded as to name of packer and State in which produced.

On April 4 and April 5, 1933, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 299 cases of canned pears at San Francisco, and Sacramento, Calif., alleging that the article had been shipped in interstate commerce on or about March 14, 1933, by Ray-Maling Co., Inc., from Portland, Oreg., to San Francisco, Calif.; that a portion had been reshipped to Sacramento, Calif., on or about March 20, 1933; and that the article was misbranded in violation of the Food and